

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Advanced Methods to Target and Eliminate	)	CG Docket No. 17-59
Unlawful Robocalls	)	

**REPLY COMMENTS OF THE NATIONAL OPINION RESEARCH CENTER**

The National Opinion Research Center at the University of Chicago (“NORC”) is filing reply comments in the Sixth Further Notice of Proposed Rulemaking (“Further Notice”) to address several comments filed by associations representing telecom service providers and by entities that sell software or analytics to telecommunications service providers.<sup>1</sup> These commenters for the most part urge the Federal Communications Commission (“FCC”) to allow the continued use of SIP Code 603 indefinitely as an acceptable means of providing immediate, actionable notice to callers of call blocking. They fail, however, to explain how continued use of this SIP Code, even if modified, would be consistent with Congress’ direction to the FCC in the TRACED Act to ensure that service providers’ call “blocking services provided on an opt-out or opt-in basis”

---

<sup>1</sup> See Advanced Methods to Target and Eliminate Unlawful Robocalls, *Order on Reconsideration, Sixth Further Notice of Proposed Rulemaking, and Waiver Order*, CG Docket No. 17-59, FCC 21-126, paras. 43, 46 (Dec. 14, 2021), <https://docs.fcc.gov/public/attachments/FCC-21-126A1.pdf>; NCTA – The Internet & Television Association, *Comments* (Jan. 31, 2022), [https://ecfsapi.fcc.gov/file/101311003626603/013122%2017-59%20NCTA%20Comments%20on%20607\\_608%20Notification%20FNPRM.pdf](https://ecfsapi.fcc.gov/file/101311003626603/013122%2017-59%20NCTA%20Comments%20on%20607_608%20Notification%20FNPRM.pdf) (“NCTA Comments”); USTelecom – The Broadband Association, *Comments* (Jan. 31, 2022), <https://ecfsapi.fcc.gov/file/10131192018169/USTelecom%20-%20Comments%20on%20Blocking%20Notification%20Sixth%20FNPRM%20-%20Final.pdf> (“USTelecom Comments”); First Orion, *Letter* (Jan. 31, 2022), [https://ecfsapi.fcc.gov/file/10131722422458/FirstOrion\\_1\\_31\\_22\\_Filed.pdf](https://ecfsapi.fcc.gov/file/10131722422458/FirstOrion_1_31_22_Filed.pdf) (“First Orion Letter”); Transaction Network Services, Inc., *Comments* (Jan. 31, 2022), <https://ecfsapi.fcc.gov/file/1013132936621/TNS%20Call%20Blocking%20Sixth%20FNPRM%20Comments.pdf> (“TNS Comments”).

provide callers “with transparency and effective redress options.”<sup>2</sup> Because they fail to demonstrate any legal basis for the FCC to adopt their preferred result when SIP Code 603 does not adequately provide any “transparent” information about call blocking as mandated by the TRACED Act, these arguments must be rejected. Nothing short of full and timely implementation of SIP Codes 607 and 608 should be endorsed by the FCC as part of any continued communications service provider safe harbor for analytics-based call blocking. Moreover, watering down the statute’s requirements to suit the business preferences of voice service providers fails to honor the legal protections assured to legitimate callers that transparent, timely and actionable information would be an essential part of the framework.

Specifically, USTelecom and TNS both advocate that the “SIP Code 603 currently presents the best and most pragmatic solution” and carriers can provide adequate information to callers by modifying the existing SIP Code 603 standard “to include standardized information in a header that distinguishes between analytics-based blocking and other call declinations.”<sup>3</sup> While these proposals on their face appear to be an attempt to put forward a pragmatic solution, the history here is not encouraging. Carriers have had over two years to work on implementing an effective method of notifying callers of blocked calls. The FCC adopted the “call blocking by default” framework in June 2019, yet progress to date in the implementation of immediate blocking notification appears quite limited. There is no question that callers continue to face challenges in discovering the origin of blocking and then in seeking timely redress, even with the use of SIP Code 603. The resulting erroneous blocking of millions of legitimate calls without effective redress – which were extensively described by caller commenters on the record – were the exact concerns that the FCC intended to address by adopting the requirements contained in the Third

---

<sup>2</sup> 47 U.S.C. § 227(j)(1)(A) (amended by Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. 116-105, 133 Stat. 3274, § 10(b) (2019)).

<sup>3</sup> USTelecom Comments, 2-4; TNS Comments, 4-5.

and Fourth Reports and Orders.<sup>4</sup> As the voice providers' track records in the past two years demonstrates, allowing some new form of non-standardized notification messages utilized at each carrier's discretion would significantly and permanently impair any meaningful redress. As such, the request should be rejected. Also, USTelecom claims that less useful, non-standard enhancement to SIP Code 603 could be achieved "in a far shorter timeline."<sup>5</sup> But, as the long timeline for standardizing SIP Codes 607 and 608 demonstrates, USTelecom's claim seems not to be based on anything more than a fervent hope that by stringing the process along, the FCC will tire and allow service providers to skate by with something less than full compliance with the terms of the TRACED Act.

NTCA's comments argue that SIP Code 603 is "sufficient for high-volume callers" that "need only run a simple analysis of SIP Code 603 responses" to determine the blocking of their calls while SIP Codes 607 and 608 only "give legitimate callers marginally more information."

---

<sup>4</sup> See Advanced Methods to Target and Eliminate Unlawful Robocalls, *Fourth Report and Order*, 35 FCC Rcd. 15221, paras. 51-54 (2020) ("[W]e applaud industry efforts to develop blocking best practices. But we do not believe the benefits consumers and callers will realize from our new requirements should await completion of those best practices."); Advanced Methods to Target and Eliminate Unlawful Robocalls, *Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking*, 35 FCC Rcd. 7614, paras. 51, 57 (2020).

<sup>5</sup> See also INCOMPAS & the Cloud Communications Alliance, *Joint Comments* (Jan. 31, 2022), 3, [https://ecfsapi.fcc.gov/file/10131190205353/INCOMPAS-CCA%20Joint%20Comments%20-%20CG%20Docket%20No.%2017-59%20\(1.31.22\).pdf](https://ecfsapi.fcc.gov/file/10131190205353/INCOMPAS-CCA%20Joint%20Comments%20-%20CG%20Docket%20No.%2017-59%20(1.31.22).pdf) ("The primary complaint lodged against SIP Codes 607 and 608 was that the Commission mandated their use before ATIS had approved operational standards, yet throughout the year that the Commission initially provided for implementation, it does not appear much if any progress was made in developing necessary standards.") ("INCOMPAS & CCA Comments"); The Voice on the Net Coalition, *Comments* (Jan. 31, 2022), 5, <https://ecfsapi.fcc.gov/file/10131298925221/VON%20Comments%20re%20SIP%20Codes%20FINAL%201%2031%2022.pdf> ("In the 13 months that have passed since the release of that Order, no progress has been made on the adoption of the two identified SIP codes, other than the intransigent position of certain voice providers to heed the Commission's obligation. Rather than explaining what has been done to finalize standards for SIP Codes 607 and 608, the carriers have repeatedly alleged limitations with SIP Codes 607 and 608, while the standard-setting bodies responsible for finalizing standards have remained silent on the state of the process.") ("VON Comments").

NORC is a high-volume caller and does not agree with that assertion; it has had great difficulty under current circumstances identifying the carrier erroneously blocking calls using analytics. As NORC and other commenters explained in detail in their Comments, the “marginal” additional information that SIP Codes 607 and 608 provide is essential and NCTA’s baseless assertions to the contrary cannot provide a factual basis for any FCC retrenchment on the basic legal guarantee of the TRACED Act to callers.<sup>6</sup>

Finally, First Orion, an analytics provider to some communications service providers, resurrects an argument that the FCC already squarely rejected in its Order – that requiring the use of SIP Codes 607 and 608 would be “harmful” to it and to communications service providers because they would provide too much information to unscrupulous callers employing “illegal” call tactics and effect the industries’ ability to innovate. If First Orion believes that the FCC should reconsider the point, it should have filed a petition for reconsideration of that aspect of the Order. Raising the point again here is procedurally improper and it adds nothing to the FCC’s consideration of transitioning and implementing SIP Codes that support the legal guarantees in the TRACED Act. In that legislation, Congress struck a balance between providing safe harbor protection to providers that blocked calls against giving callers immediate, actionable information so that erroneous blocking could be identified, and the appropriate entity contacted for resolution.

---

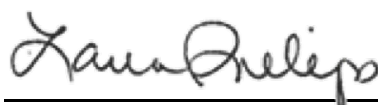
<sup>6</sup> See INCOMPAS & CCA Comments, 5; VON Comments, 1, 3-4; American Bankers Association, ACA International, American Association of Healthcare Administrative Management, American Financial Services Association, Credit Union National Association, Mortgage Bankers Association, National Association of Federally-Insured Credit Unions, National Council of Higher Education Resources, and Student Loan Servicing Alliance, *Comments* (Jan. 31, 2022), 7-8, [https://ecfsapi.fcc.gov/file/1020198841674/ABA\\_JointTrades\\_Comment\\_SixthFurtherNPRM\\_2022\\_01\\_31\\_final.pdf](https://ecfsapi.fcc.gov/file/1020198841674/ABA_JointTrades_Comment_SixthFurtherNPRM_2022_01_31_final.pdf); Professional Association for Customer Engagement, *Comment*, (Jan. 28, 2022), 2-3, <https://ecfsapi.fcc.gov/file/101281898800530/PACE%20Comments%20on%20Sixth%20Order.pdf>; The National Opinion Research Center, *Comments* (Jan. 31, 2022), 2-6, <https://ecfsapi.fcc.gov/file/1013198215272/SIP%20Code%20FNPRM%20Comment%20-%20NORC%201-31-2022.pdf>.

First Orion is seeking to avoid the obligations inherent in honoring this balancing of competing interests reflected in the statute.

Not sunseting the use of SIP Code 603 but allowing it to be used alongside other plainly superior call blocking notification methods would be similarly problematic.<sup>7</sup> That is because, once SIP Codes 607 and 608 are finalized and in use, in every case it would be up to individual voice service providers to determine which code to maintain, whether to modify the codes (such as adding headers as suggested by US Telecom), and interpret when and how to use them. That would introduce additional complexity and potential confusion for callers to decipher the various codes, particularly as they are transmitted through potentially multiple carriers.

For all these reasons, NORC maintains that the FCC has no legal alternative to complete sunset the use of SIP Code 603 for immediate notification of analytics blocking once implementation the SIP Codes 607 and 608 standards is accomplished. Further, the FCC must maintain effective oversight of the standards process and specify appropriate deadlines for implementation. Without those actions, the FCC runs a risk of failing to adopt rules that comport with the TRACED Act's statutory mandate.

Respectfully submitted,



**National Opinion Research Center**

Laura H. Phillips  
Qiusi Y. Newcom  
Faegre Drinker Biddle & Reath LLP  
1500 K Street NW Suite 1100  
Washington, D.C. 20005  
202-842-8800  
[laura.phillips@faegredrinker.com](mailto:laura.phillips@faegredrinker.com)  
[qiusi.newcom@faegredrinker.com](mailto:qiusi.newcom@faegredrinker.com)  
*Counsel for National Opinion Research Center*

February 14, 2022

---

<sup>7</sup> See TNS Comments, 4-5.